

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ISMAEL GUILLERMO HERNANDEZ,

Case No. 2:15-cv-02132-APG-NJK

Plaintiff,

ORDER

v.

CLARK COUNTY DETENTION CENTER
ADMINISTRATOR, et al.,

Defendants.

Petitioner Ismael Guillermo Hernandez has submitted a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before the court is Hernandez's response to this court's order to show cause that the petition should not be dismissed without prejudice as unexhausted (Dkt. #4).

Hernandez acknowledges in his response that he has filed a direct appeal that is now before the Nevada Supreme Court. Accordingly, his petition is dismissed without prejudice for failure to exhaust available state remedies. If Hernandez exhausts state remedies and still wishes to pursue federal habeas relief, he may file a new petition, with a new case number and include either the \$5.00 filing fee or a completed application to proceed *in forma pauperis*.

IT IS THEREFORE ORDERED that the petition (Dkt. #3) is **DISMISSED** without prejudice for failure to exhaust state remedies.

IT IS FURTHER ORDERED that the Clerk shall send to petitioner one copy of the petition (Dkt. #3).

1 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and
2 close this case.

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4 DATED: 6 April 2016.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE